

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
Boston Division**

DIANE CONNOLLY,

Plaintiff

vs.

Civil Action No.: 04-12233(MLW)

NATIONAL RAILROAD  
PASSENGER CORPORATION,

Defendant

**PROPOSED JOINT SCHEDULING PLAN  
PURSUANT TO RULE 16(B) AND 26(F)**

1. Statement of the Case

This case involves a personal injury action brought pursuant to an Act of Congress known as the Federal Employer's Liability Act (FELA), 45 U.S.C., Sec. 51 et seq. Diane Connolly worked for the defendant from 1998 to present, as a coach cleaner.

As a result of her job duties, Plaintiff was exposed to the occupational risk factors for carpal tunnel syndrome, including but not limited to repetition force, vibration and awkward wrist posture. It is Plaintiff's claim that as a result of the Defendant's negligence, Plaintiff was diagnosed with carpal tunnel syndrome.

Defendant failed to provide Plaintiff with a safe work environment under the FELA, specifically, failing to adequately warn Plaintiff of the risks, dangers and harm to which she was exposed.

The Defendant denies Plaintiff's claims and further denies that its' alleged negligence was the proximate cause of Plaintiff's injuries.

2. Joint Discovery Plan

The attorneys for the parties have reached an agreement for a proposed Pretrial schedule as follows:

- (a) All additional parties shall be joined by February 18, 2005.
- (b) Amendment of pleadings shall be completed by February 18, 2005.
- (c) Parties will exchange initial disclosures by March 18, 2005.
- (d) All fact discovery should be completed by August 18, 2005.
- (e) All experts who may be witnesses for the Plaintiff shall be designated no later than October 18, 2005.
- (f) All experts who may be witnesses for the Defendant shall be designated no later than November 18, 2005.
- (g) All expert discovery shall be completed by December 19, 2005.
- (h) All motions for Summary Judgment to be filed by January 18, 2006.

Thomas J. Joyce, III, Esq., of Hannon & Joyce, and Michael J. McDevitt, of Lawson & Weitzan, LLP, counsel for Plaintiff Diane Connolly, and Paul Sahovey, Esq. of Massachusetts Bay Transportation Authority, counsel for Defendant, National Railroad Passenger Corporation, have conferred concerning the above discovery schedule and expenses.

Counsel for the parties have discussed informally exchanging discovery to reduce the cost of litigation to our clients and agreed to

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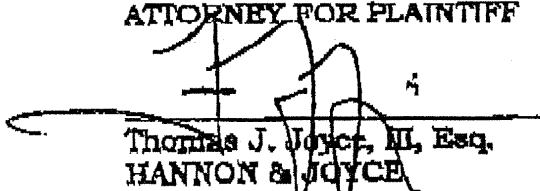
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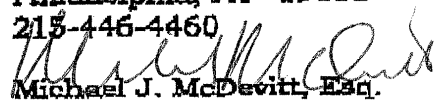
conform to the obligation to limit discovery set forth in F.R.C.P. 26(b). Discovery is expected to include all relevant information including but not limited to Plaintiff's work and medical history as well as Defendant's safety, medical and environmental efforts regarding exposure to toxic and/or pathogenic dusts, fumes, vapors, mists or gases, including asbestos.

The parties and their respective counsel have conferred regarding settlement.

Dated: January 4, 2005


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Respectfully Submitted,

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To: MBTA LAW DEPARTMENT Page 004

PAGE 04 MBTA LAW DEPARTMENT

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